



Docket No.: 1247-0851-6V

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SEP 14 2006

TC 1700

COMMISSIONER FOR PATENTS
ALEXANDRIA, VIRGINIA 22313



ATTORNEYS AT LAW

GREGORY J. MAIER
(703) 413-3000
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ROBERT T. POUS
(703) 413-3000
RPOUS@OBLON.COM

RE: Application Serial No.: 09/498,363
Applicants: Emmanuel COLIN, et al.
Filing Date: February 4, 2000
For: LAMINATED GLAZING WITH HIGH CRASH TEST
RESISTANCE
Group Art Unit: 1774
Examiner: FERGUSON, L.

SIR:

Attached hereto for filing are the following papers:

Letter

Copy of PETITION UNDER 37 C.F.R. 1.181

Copy of Communication dated December 15, 2004

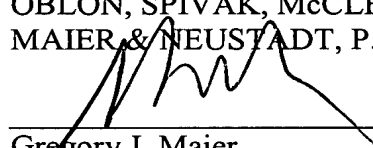
Copy of Status Inquiry Sheet

Copy of Date-Stamped Filing Receipt

Our check in the amount of \$0.00 is attached covering any required fees. In the event any variance exists between the amount enclosed and the Patent Office charges for filing the above-noted documents, including any fees required under 37 C.F.R. 1.136 for any necessary Extension of Time to make the filing of the attached documents timely, please charge or credit the difference to our Deposit Account No. 15-0030. Further, if these papers are not considered timely filed, then a petition is hereby made under 37 C.F.R. 1.136 for the necessary extension of time. A duplicate copy of this sheet is enclosed.

Respectfully submitted,

OBLON, SPIVAK, McCLELLAND,
MAIER & NEUSTADT, P.C.


Gregory J. Maier

Registration No. 25,599

Customer Number

22850

(703) 413-3000 (phone)
(703) 413-2220 (fax)

Robert T. Pous

Registration No. 29,099



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DOCKET NO: 1247-0851-6V



IN THE UNITED STATES PATENT & TRADEMARK OFFICE

IN RE APPLICATION OF :
EMMANUEL COLIN, ET AL. : EXAMINER: FERGUSON, L.
SERIAL NO: 09/498,363 :
FILED: FEBRUARY 4, 2000 : GROUP ART UNIT: 1774
FOR: LAMINATED GLAZING WITH :
HIGH CRASH TEST RESISTANCE :

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LETTER

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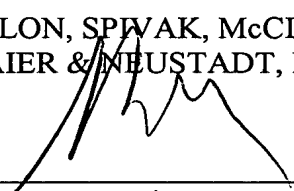
COMMISSIONER FOR PATENTS
ALEXANDRIA, VIRGINIA 22313

SIR:

Further to our conversation with Monica Graves from the Office of Petitions, we hereby enclose copies of papers filed with the United States Patent and Trademark Office October 26, 2005. Enclosed please find a copy of Petition Under 37 C.F.R. 1.181, copy of Communication dated December 15, 2004, copy of Status Inquiry Sheet, and a copy of the Date-Stamped Filing Receipt.

Respectfully submitted,

OBLON, SPIVAK, McCLELLAND,
MAIER & NEUSTADT, P.C.



Gregory J. Maier
Attorney of Record
Registration No. 25,599

Customer Number
22850

Tel: (703) 413-3000
Fax: (703) 413 -2220
(OSMMN 06/04)

Robert T. Pous
Registration No. 29,099



3

Dept.: E/M

By: GJM/RTP/cfd

OSMM&N File No. 1247-0851-6V

Serial No. 09/498,363

In the matter of the Application of: Emmanuel COLIN, et al.

For: LAMINATED GLAZING WITH HIGH CRASH TEST RESISTANCE

Due Date: N/A

The following has been received in the U.S. Patent Office on the date stamped hereon:

- Dep. Acct. Order Form
- Letter (Cover)
- Petition Under 37 C.F.R. 1.181
- Copy of Communication dated December 15, 2004
- Copy of Status Inquiry Sheet

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TC 1700



COPY



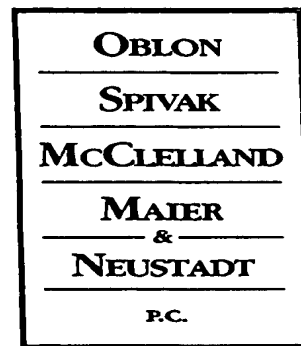
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ALEXANDRIA, VIRGINIA 22313



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Group Art Unit: 1774

Examiner: FERGUSON, L.

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Respectfully submitted,

OBLON, SPIVAK, McCLELLAND,
MAIER & NEUSTADT, P.C.

COPY

Gregory J. Maier

Registration No. 25,599

Customer Number

22850

(703) 413-3000 (phone)

(703) 413-2220 (fax)

I:\cfdav\petitions\146493.cvr

Robert T. Pous

Registration No. 29,099

DOCKET NO: 1247-0851-6V



IN THE UNITED STATES PATENT & TRADEMARK OFFICE

IN RE APPLICATION OF :

EMMANUEL COLIN, ET AL. :

EXAMINER: FERGUSON, L.

SERIAL NO: 09/498,363 :

FILED: FEBRUARY 4, 2000 :

GROUP ART UNIT: 1774

FOR: LAMINATED GLAZING WITH
HIGH CRASH TEST RESISTANCE :

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PETITION UNDER 37 C.F.R. §1.181

COMMISSIONER FOR PATENTS
ALEXANDRIA, VIRGINIA 22313

COPY

SIR:

Applicants herein petition the Commissioner to exercise his supervisory authority to require the Examiner to act on the above-referenced application.

On January 12, 2004, a Notice of Abandonment issued, stating that the application was abandoned due to the filing of an improper RCE on January 21, 2003. A petition to revive under 37 C.F.R. §1.137(b) was filed on January 23, 2004. The petition to revive stated that the Appeal Brief filed with the RCE would have been considered a submission under 37 C.F.R. §1.114 if the RCE transmittal letter filed therewith had contained a statement that incorporated by reference the arguments of the Appeal Brief of September 10, 2002. The petition to revive therefore included such a statement. The petition to revive was granted on February 6, 2004. An Office Action responsive to the Appeal Brief is therefore due.

Applicants have received no further communication from the PTO following the granting of the petition to revive, other than a communication dated December 15, 2004. The communication of December 2004 (copy attached) states that the RCE filed on January 21,

2003 is improper, however no reason is given. This communication is believed to be erroneous and inoperative, both because it was superceded by the grant of the petition to revive and because none of the boxes indicating a reason for the impropriety of the RCE was checked.

The undersigned attorney spoke with Examiner Rena Dye on March 3, 2005. The undersigned attorney at that time explained to the Examiner that the petition to revive based upon the error in the RCE of January 21, 2003 had been granted, and that the Notice of Improper RCE did not specify a reason for the alleged impropriety and was inoperative. The Examiner replied that the file was not presently available, and that she could not comment on the matter. Subsequent status inquiries were made to Examiner Ferguson on April 12, 2005, May 11, 2005, July 12, 2005 and October 11, 2005 (see attached memo).

An action responsive to the Appeal Brief is therefore respectfully solicited.

Any fee required for the present petition may be charged to the undersigned attorneys' account number 15-0030.

Respectfully submitted,

OBLON, SPIVAK, McCLELLAND,
MAIER & NEUSTADT, P.C.

COPY

Customer Number
22850

Tel: (703) 413-3000
Fax: (703) 413 -2220
(OSMMN 06/04)

I:\CFDAVPETITIONS\146493.PETITION

Gregory J. Maier
Attorney of Record
Registration No. 25,599

Robert T. Pous
Registration No. 29,099



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/498,363	02/04/2000	Yves Naoumenko	1247-0851-6V	8719
22850	7590	12/15/2004		
OBLON, SPIVAK, MCCLELLAND, MAIER & NEUSTADT, P.C. 1940 DUKE STREET ALEXANDRIA, VA 22314				
EXAMINER FERGUSON, LAWRENCE D				
ART UNIT		PAPER NUMBER		
1774				

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DATE MAILED: 12/15/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

COPY

RECEIVED: 121704
OBLON, SPIVAK, McCLELLAND
MAIER & NEUSTADT, P.C.

DOCKETING DEPT.

Initials/Date Docketed: 072004
Type of Resp(s): _____
Due Date(s): _____



Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

APPLICATION NUMBER FILING DATE

FIRST NAMED APPLICANT

ATTY. DOCKET NO./TITLE

RECEIVED

SEP 14 2006

TC 1700

DATE MAILED:

NOTICE OF IMPROPER REQUEST FOR CONTINUED EXAMINATION (RCE)

The request for continued examination (RCE) under 37 CFR 1.114 filed on 1/2/03 is improper for reason(s) indicated below:

- ☐ 1. Continued examination under 37 CFR 1.114 does not apply to an application for a design patent. Applicant may wish to consider filing a continuing application under 37 CFR 1.53(b) or a CPA under 37 CFR 1.53(d). An RCE cannot be treated as a CPA.
- ☐ 2. Continued examination under 37 CFR 1.114 does not apply to an application that was filed before June 8, 1995. Applicant may wish to consider filing a continuing application under 37 CFR 1.53(b).
- ☐ 3. Continued examination under 37 CFR 1.114 does not apply to an application unless prosecution in the application is closed. If the RCE was accompanied by a reply to a non-final Office action, the reply will be entered and considered under 37 CFR 1.111. If the RCE was not accompanied by a reply, the time period set forth in the last Office action continues to run from the mailing date of that action.
- ☐ 4. The request was not filed before payment of the issue fee, and no petition under 37 CFR 1.313 was granted. If this application has not yet issued as a patent, applicant may wish to consider filing either a petition under 37 CFR 1.313 to withdraw this application from issue, or a continuing application under 37 CFR 1.53(b).
- ☐ 5. The request was not filed before abandonment of the application. The application was abandoned, or proceedings terminated on _____. Applicant may wish to consider filing a petition under 37 CFR 1.137 to revive this abandoned application.
- ☐ 6. The request was not accompanied by the fee set forth in 37 CFR 1.17(e) as required by 37 CFR 1.114. Since the application is not under appeal, the time period set forth in the final Office action or notice of allowance continues to run from the mailing date of that action or notice.
- ☐ 7. The request was not accompanied by a submission as required by 37 CFR 1.114. Since the application is not under appeal, the time period set forth in the final Office action or notice of allowance continues to run from the mailing date of that action or notice.

Note: A continued prosecution application (CPA) under 37 CFR 1.53(d) cannot be filed in a utility or plant application. A CPA filed in a utility or plant application that has a filing date **on or after June 8, 1995** will be treated as an RCE under 37 CFR 1.114. The request for a CPA in the instant application, however, has been treated as an improper RCE for the reason(s) indicated above.

A copy of this notice MUST be returned with any reply.

Direct the reply and any questions concerning this notice to:

Kenneth J. Gaff Technology Center 1700
(703) 30 _____



MEMO TO FILE - TELEPHONE DISCUSSION

DOCKET NO. 1247-0851-6✓

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TC 1700

NAME Sindley Taborga

Date and Number called

Person talked to

Reason for Call

(571) 272 -1522
4/12/05

Ferguson Lawrence

left a message

(571) 272 -1522
5/11/05

Examiner Ferguson

Peti: tion to Revisi
Application Granted
but shows 'as Abandoned.

571) 272 1522
7/12/05

Examiner Ferguson

left a message

10-11-05
71-272-1522

Examiner Ferguson

Left message

0-12-05

Examiner Ferguson called back and: said that a
communication was mailed to us 12-13-04 and we need
to respond to that (as is this case going to be
abandoned. for the benefit of the working attorney)